

FUJIOKA et al.

Serial No.: 10/098,631

Amendment dated December 9, 2003

Response to Office Action dated September 11, 2003

**REMARKS**

Upon entry of this amendment, claims 1, 2 and 12-15 are pending. By the present amendment, claims 1 and 2 have been amended for clarity, non-elected claims 3-11 have been canceled and new claims 12-15 have been added.

Favorable reconsideration of the application are respectfully requested.

The rejection of claims 1 and 2 under 35 U.S.C. §103(a) over Goto (U.S. Patent No. 6,037,189) in view of Kobayashi et al. (U.S. Patent No. 6,455,342 B1, hereinafter "Kobayashi") is respectfully traversed. Without acquiescing in the rejection, it is noted that claims 1 and 2 have been amended for clarity.

Accordingly, the rejection will be discussed with respect to the claims as amended.

Goto is directed to an integrated waveguide device including a tapered light waveguide. The thickness of the semiconductor layer and the wavelength guided by the waveguide are purportedly controlled with improved precision, thereby enhancing reliability of the device. There is no teaching or suggestion whatsoever in Goto of a step portion being formed between the stripe ridge and the protruding portion, as presently claimed.

In complete contrast, the claimed invention specifically recites that *a step portion is formed between the stripe ridge and the protruding portion*. This specifically recited element of the claims is entirely absent from Goto. A marked

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up copy of Figure 1 of the instant application showing the step portion is provided as an illustration of this exemplary feature.

It is respectfully submitted that Kobayashi fails to overcome the fundamental deficiency of Goto noted above. Therefore, even if, *arguendo*, the combination of Goto and Kobayashi were proper, the combination nevertheless fails to render the claimed invention obvious. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing, it is respectfully submitted that the entire application is in condition for allowance. Favorable reconsideration of the application and prompt allowance of the claims are earnestly solicited.

Should the Examiner deem that further issues require resolution prior to allowance, the Examiner is invited to contact the undersigned attorney of record at the telephone number set forth below.

Respectfully submitted,  
**NIXON & VANDERHYE P.C.**

  
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